

REMARKS

Reconsideration of the above-identified application is respectfully requested. Claims 1, 2, 4-6, 8-15, and 18-21 are pending in the application by way of this amendment. Claims 10 and 11 were objected to because of certain informalities contained in the claims in an Office Action mailed March 26, 2004 (hereinafter "Office Action"). Claims 1-7 and 9-17 were rejected under 35 U.S.C. § 102(b), and Claim 8 was rejected under 35 U.S.C. § 103(a) and 35 U.S.C. § 112 in the Office Action. The specification and Claims 1, 4-6, 8-11, and 13-15 have been amended; Claims 3, 7, 16, and 17 have been canceled; and Claims 18-21 have been added by way of this amendment and response.

I. Amendments to the Specification

Applicants have amended the specification to conform the Summary of the Invention section to the claims as amended. Applicants assert that no new material has been added in the amendments to the specification.

II. Rejection of Claims 1, 2, and 14-17 Under 35 U.S.C. § 102(b) as Anticipated by Napoli

Claims 1, 2, and 14-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,392,009, issued to Napoli (hereinafter "Napoli"). Applicants respectfully disagree.

Claims 16 and 17 have been canceled; therefore, the rejection of these claims is now moot. With regard to Claims 1, 2, 14, and 15, these claims are clearly distinguishable from the invention taught by Napoli. Independent Claim 1 recites, and independent Claims 14 and 15 similarly recite, an "outer panel [that] is slidably attached to the inner support structure by attachment means comprising a channel section formed to receive an attachment element and wherein the outer panel is adapted to be removed from the inner support structure by first sliding the outer panel in a direction that is substantially parallel to a plane of an outermost surface of the outer panel so as to align the attachment element with an access port provided in the channel

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

section between distal ends of the channel section and by then lifting the outer panel in a direction perpendicular to the direction of sliding." These elements are simply not taught or suggested by Napoli. More specifically, Napoli teaches a device wherein in each of the side channels 13 there are provided flanges 14 and 15 which define a channel which receives the panel 11. The channels defined by flanges 14 and 15 are open-ended and are not provided with an access port between the distal ends thereof for an attachment element to be taken therethrough. Rather, panel 11 is to be received in the channels by way of a longitudinal movement and not by way of movement perpendicular to the channels.

Under 35 U.S.C. § 102(b), a claim is anticipated only if each and every element, as set forth in the claims, is found in the cited and applied reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1997). For at least the above reasons, applicants submit that all the elements of Claims 1, 14, and 15 are not taught by Napoli. Accordingly, applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 102(b) rejection of Claims 1, 14, and 15 and any claims that depend therefrom.

III. Rejection of Claims 1-7 and 9-17 Under 35 U.S.C. § 102(b) as Anticipated by Lindmayer

Claims 1-7 and 9-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,139,399, issued to Lindmayer (hereinafter "Lindmayer"). Applicants respectfully disagree.

Claims 3, 7, 16, and 17 have been canceled; therefore, the rejection of these claims is now moot. With regard to Claims 1, 2, 4-6, and 9-15, these claims are clearly distinguishable from the invention taught by Lindmayer. Independent Claim 1 recites, and independent Claims 14 and 15 similarly recite, an "outer panel [that] is slidably attached to the inner support structure by attachment means comprising a channel section formed to receive an attachment element and wherein the outer panel is adapted to be removed from the inner support structure by first sliding the outer panel in a direction that is substantially parallel to a plane of an outermost

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

surface of the outer panel so as to align the attachment element with an access port provided in the channel section between distal ends of the channel section and by then lifting the outer panel in a direction perpendicular to the direction of sliding." These elements are simply not taught or suggested by Lindmayer. More specifically, Lindmayer fails to at least teach or suggest an access port provided between the distal ends of the channels 12, 14, and 16. The resin matrix 11 of Lindmayer is received in the channels by way of a longitudinal movement and not by way of a movement perpendicular to the channels.

Under 35 U.S.C. § 102(b), a claim is anticipated only if each and every element, as set forth in the claims, is found in the cited and applied reference. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1997). For at least the above reasons, applicants submit that all the elements of independent Claims 1, 14, and 15 are not taught by Lindmayer. Accordingly, applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 102(b) rejection of Claims 1, 14, and 15 and any claims that depend therefrom.

IV. Rejection of Claim 8 Under 35 U.S.C. § 103(a)

Claim 8, which depends from Claim 1, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Napoli in light of the knowledge of one ordinary skilled in the art. Applicants respectfully disagree. Applicants agree with the Examiner that Napoli does not disclose the solar assembly which is attached to the outer surface of the structure. Applicants further submit that Napoli does not teach a solar tile assembly having an "outer panel [that] is slidably attached to the inner support structure by attachment means comprising a channel section formed to receive an attachment element and wherein the outer panel is adapted to be removed from the inner support structure by first sliding the outer panel in a direction that is substantially parallel to a plane of an outermost surface of the outer panel so as to align the attachment element with an access port provided in the channel section between distal ends of the channel section and by then lifting the outer panel in a direction perpendicular to the direction of sliding" as recited in

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

Claim 1, from which Claim 8 depends, as argued above. Inasmuch as all elements of Claim 8 are not taught or suggested by Napoli in light of the knowledge of one skilled in the art, applicants submit that the rejection of Claim 8 under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the foregoing remarks and amendments, applicants respectfully submit that the present application is in condition for allowance. Reconsideration and reexamination of the application, as amended, and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact applicants' undersigned attorney at the number below.

Respectfully submitted,

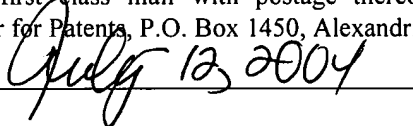
CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}




Brian D. Krell
Registration No. 51,899
Direct Dial No. 206.695.1638

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: _____





BDK:tmm

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100